

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING	)	MDL NO. 2419
PHARMACY, INC. PRODUCT LIABILITY	)	Master Dkt.: 1:13-md-02419-FDS
LITIGATION	)	

**SUPPLEMENTAL OBJECTION OF NON-PARTY ERLANGER HEALTH SYSTEMS,  
INC. TO SUBPOENA**

COMES NOW Non-Party Erlanger Health System, Inc. ("Erlanger"), having previously filed its Notice of Limited Appearance, and files its Supplemental Objection to Subpoena, showing this Honorable Court as follows:

Objection to the Subpoena was filed by Thorek Memorial Hospital (Dkt. 244) asserting *inter alia*, an objection to lack of jurisdiction. Erlanger incorporates that part of Thorek Memorial Hospital's objection and hereby supplements Erlanger's Objections by adding an objection to the Subpoena based on lack of jurisdiction. Erlanger is located in the Eastern District of Tennessee. The Subpoena served on Erlanger was issued from the United States District Court for the District of Massachusetts, rather than the United States District Court for the Eastern District of Tennessee. If the Court finds that such a Subpoena must issue from the district wherein the deponent resides, then the Subpoena at issue should be quashed for lack of jurisdiction.

This 9<sup>th</sup> day of July, 2013.

/S/ Arthur P. Brock  
Arthur P. Brock  
Tennessee Bar No. 14189  
APB@smrw.com

/S/ John B. Bennett  
John B. Bennett  
Tennessee Bar No. 15989  
JBB@smrw.com

*Attorneys for non-party Erlanger Health System*

Spears, Moore, Rebman, & Williams, PC  
801 Broad Street, 6th Floor  
Chattanooga, TN 37402  
Telephone: (423) 756-7000  
Facsimile: (423) 756-8401

**CERTIFICATE OF SERVICE**

I hereby certify that on July 9, 2013, the foregoing document, filed through the ECF system, will be sent electronically to the registered participants identified on the Notice of Electronic Filing, and paper copies will be served via U.S. Mail, postage pre-paid, to those indicated as non-registered participants.

/S/ John B. Bennett  
John B. Bennett  
Tennessee Bar No. 15989  
[JBB@smrw.com](mailto:JBB@smrw.com)